

REMARKS

In accordance with the foregoing, claim 1 has been amended. Claims 1, 3-5, 7-14 and 16-25 are pending and under consideration.

OBJECTIONS TO THE CLAIMS:

Claim 1 is objected to because of being informalities.

Claim 1 has been amended to overcome the objection.

As such it is respectfully submitted that the objection of the claim 1 be resolved.

REJECTION UNDER 35 U.S.C. §102:

Claims 1, 3-5, 7, 8, 11-14, 16-20 and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US Patent No. 6,684,456).

Claim 1 has been amended to clarifying of the present application.

The Office Action sets forth that Lee discloses "the pressure device comprises a pusher (121) disposed in the housing chamber, that protrudes from the housing chamber, and a spring(125,125') disposed within the housing chamber to press the pusher; the pusher comprises a locking protrusion (122); the hinge body is provided with a guide slot (171, 172); and the locking protrusion is inserted into the guide slot, and prevents the release of the pusher from the hinge body."

By way of review, Lee discloses "The position-fixing plate member 121 comprises two supporting plates 123 and 123'. The supporting plates 123 and 123' have upper surfaces 122 and 122' to engage with the cam surfaces 171, 172 and 173 of the position-fixing cam 117 to settle the position of the automatic document feeder 2 or guide the movement thereof, and protrusions 124 and 124' to support the first elastic springs 125 and 125', respectively. In an aspect of the present invention, upper surfaces 122 and 122' of the supporting plates 123 and 123' forming the position-fixing plate member 121 are formed as flat surfaces, but in the case that the first and second fixing cam surfaces 171 and 172 of the position-fixing cam 117 are formed as concave or grooved surfaces, the upper surfaces 122 and 122' can be formed as corresponding convex surfaces" (col. 6, line 57 through col. 7, line 5). However, it is noted that, even assuming arguendo that 171, and 172 are guide slot, the guide slots are formed not on hinge body hinge but hinge cam. As such, Lee fails to disclose "the pusher comprises a locking protrusion; the hinge body is provided with a guide slot; and the locking protrusion is inserted into the guide slot, and prevents

the release of the pusher from the hinge body; wherein the pusher moves upward and downward within the guide slot." as recited in claim 1.

Regarding claim 11, it is noted that the Office Action does not address the reasons of the rejection of claim 11. However, claim 11 recites "wherein the hinge body comprises a first protrusion, to limit an mount the hinge body moves into the opening in the main body" which does not disclosed in Lee.

As such, it is respectfully submitted that the claim 11 is deemed patentable.

Claims 3-5, 7, and 12-13 are deemed patentable due at least to their depending from claim 1.

In addition claims 22-25 are deemed patentable due at least to their depending from claim 11.

Regarding claims 7, 8, 16, 18, and 19, the Office Action sets forth that Lee discloses "wherein the pusher, which comprises the locking protrusion (122), further includes a second protrusion (122') that is caught by a hooking portion, (concave or grooved undersurface at 171, 172) thereby preventing the release of the hinge body from the coupling hole when the hinge body is moved in a direction opposite the first direction."

By way of review, claim 8 recites "the main body comprises a hooking portion positioned at one side of the main body of an image forming apparatus; and the hinge body comprises a second protrusion positioned at a first side of the hinge body, that is caught by the hooking portion, thereby preventing the release of the hinge body from the coupling hole when the hinge body is moved in a direction opposite the first direction." Whereas Lee discloses "The position-fixing plate member 121 comprises two supporting plates 123 and 123'. The supporting plates 123 and 123' have upper surfaces 122 and 122' to engage with the cam surfaces 171, 172 and 173 of the position-fixing cam 117 to settle the position of the automatic document feeder 2 or guide the movement thereof, and protrusions 124 and 124' to support the first elastic springs 125 and 125', respectively"(col. 5, lines 57-65). As noted above, Lee fails to disclose "a hooking portion positioned at one side of the main body ... and a second protrusion positioned at a first side of the hinge body, that is caught by the hooking portion." as recited in claim 8.

Claims 16, 18, and 19 are deemed patentable due at least for similar reasons of claim 8, as well as for the additional features recited therein.

REJECTION UNDER 35 U.S.C. §103:

Claims 9, 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. Patent No. 6,684,456).

The Office Action acknowledges that Lee fails to disclose the operating components of Lee's hinge apparatus is formed of a plastic resin material, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention was made to form the hinge apparatus of Lee of a plastic resin material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Here, it is common knowledge to choose a material, such as a plastic resin, that exhibits sufficient strength, durability, non-abrasiveness and lightweight properties to be incorporated into a hinge apparatus similar to the prior art to provide a long lasting and trouble-free hinge apparatus requiring little or no maintenance of the operating parts.

To set forth a prima facie obviousness case, evidenced motivation must be provided indicating why one skilled in the art would be motivated, lead, or suggested to modify an existing reference in view of another reference. In addition, is also improper to base a rejection on the claimed feature being merely a design choice. See *In re Garrett*, 1986 Pat. App. LEXIS 8 (Bd. Pat. App. 1986), where the U.S. Patent and Trademark Office Board of Patent Appeals and Interferences ("Board") specifically stated: "the examiner has not presented any line of reasoning as to why the artisan would have been motivated to so modify the...structure, and we know of none. The examiner's assertion that the proposed modification would have been "an obvious matter of engineering design choice well within the level of skill of one of ordinary skill in the art" is q conclusion, rather than a reason." Similar discussions can be seen in *In re Chu*, 36 USPQ2d 1089 (Fed. Cir. 1985). This result is similarly discussed in MPEP 2144.06, which discusses in greater detail the Examiner's burden in showing that the art recognized an equivalence for the same purpose.

By way of review, Lee fails to disclose the operating components of Lee's hinge apparatus is formed of a plastic resin material. As such, even assuming arguendo that the use of a plastic resin is known as having sufficient strength, durability, non-abrasiveness and lightweight properties, the Examiner has not set forth sufficient evidence that one of ordinary skill in the art would have been motivated to use a plastic resin material in the hinge apparatus. Therefore, it is respectfully submitted that the Examiner has not set forth sufficient evidence as is required to establish a prima facie obviousness rejection under 35 U.S.C. §103 for claims 9, 10, and 21.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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